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November 1, 2019

VIA ECF AND FAX

The Honorable Anita B. Brody
United States District Judge for the Eastern District of Pennsylvania
601 Market Street
Room 7613
Philadelphia, PA 19106-1717

Re: Thrivest Specialty Funding, LLC v. Toby L. Wright
USDC, E.D. Pa., Civil Action No. 2:18-cv-4764

Dear Judge Brody:

I represent Thrivest Specialty Funding, LLC and write in accordance with the Court's October 21, 2019 Explanation and Order (Dkt. 68) to provide a status report on Mr. Wright's non-compliance with the Contempt Order. In short, Mr. Wright has done nothing whatsoever to comply with the Court's directive that he escrow \$800,000 pending resolution of arbitration.

Thrivest has done its part to secure compliance, serving the Contempt Order on financial institutions believed to be associated with Mr. Wright and attempting to identify the location of Mr. Wright's award proceeds through a subpoena directed to Citibank (the trustee in the NFL Concussion Class Action). Thus far, Thrivest has been unable to identify any financial institutions at which Mr. Wright maintains an active account. Thrivest expects to receive a response to its subpoena to Citibank shortly and will promptly follow up if responsive information is received.

Put simply, the civil contempt sanctions imposed by the Court eleven days ago have done nothing to coerce Mr. Wright into compliance with the Court's August 12, 2019 Escrow Order. He continues to ignore this Court's directives as if they mean nothing. In the Contempt Order, the Court indicated that it "may impose further sanctions if Wright persists in his failure to either comply ... or prove his inability to comply." Mr. Wright has persisted in his failure to comply, and he has not submitted any proof of his inability. Further sanctions are necessary and should be imposed immediately.

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Mr. Wright has ignored the Court's orders repeatedly and the asset freeze has had limited coercive impact because the location of his assets is unknown at present. He appears to be ignoring this action altogether. Mr. Wright has shown that financial penalties are not sufficient to motivate his compliance and that additional measures are necessary to obtain his attention. The U.S. Marshals Service is particularly suited to locate Mr. Wright and get his attention. Thrivest respectfully requests that the Court impose further non-monetary sanctions—including incarceration—until Mr. Wright complies with the Court's Contempt Order.

Thrivest respectfully requests prompt action on this application. Every day that passes without compliance exposes Thrivest to the irreparable harm that the escrow was meant to avoid.

Respectfully submitted,



Peter C. Buckley

PCB:ad

cc: Toby L. Wright (via US Mail and e-mail)